

John Houston Scott, SBN 72578
Lizabeth N. de Vries, SBN 227215
SCOTT LAW FIRM
1375 Sutter Street, Suite 222
San Francisco, CA 94109
Tel: (415) 561-9600
Fax: (415) 561-9609
john@scottlawfirm.net
liza@scottlawfirm.net

Attorneys for Plaintiff,
FELICIA POWE-FLORES

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

FELICIA POWE-FLORES,

Plaintiff,

v.

KAISER FOUNDATION HOSPITAL, RYAN
THOMAS, and DOES 1-50, inclusive

Defendants.

) Case No.: C 08-02527 THE

) **STIPULATION AND [PROPOSED]**
) **ORDER RE PLAINTIFFS' REQUEST**
) **FOR LEAVE TO FILE HER [PROPOSED]**
) **FIRST AMENDED COMPLAINT**

) Trial Date: September 29, 2009

INTRODUCTION

Plaintiff, FELICIA POWE-FLORES, seeks leave to amend to add a Title VII claim to her complaint following her receipt of a right to sue letter, dated October 23, 2008, from EEOC. The parties advised the Court that the plaintiff was waiting for this letter at the case management conference on 8/25/08, and, stated on the record that they would meet and confer about this matter. Below is their stipulation, proposed order, and the plaintiff's proposed First Amended Complaint attached as **Exhibit A**.

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SAN FRANCISCO, CA 94109

RECITALS

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2 1. The plaintiff originally filed her complaint in state court on 3/14/08 alleging four
3 causes of action under Cal. Civ. Code §§ 51.7 and 52.1, failure to promote in violation of public
4 policy, and 42 U.S.C. § 1981.

5 2. KAISER FOUNDATION HOSPITALS removed the case to federal court and
6 answered on 5/19/08.

7 3. Prior to and during the court's case management conference on 8/25/08, plaintiff
8 and KAISER FOUNDATION HOSPITALS agreed to meet and confer after the EEOC issued its
9 right to sue letter so that plaintiff may amend her complaint to include Title VII claims.

10 4. The EEOC issued its right to sue letter in October in a letter dated October 23,
11 2008.

12 5. The parties recognize that here KAISER FOUNDATION HOSPITALS has served
13 its responsive pleading, so "a party may amend its pleading only with the opposing party's
14 written consent or the court's leave. The court should freely give leave when justice so requires."
15 FED. R. CIV. PROC. 15.

16 6. Defendant RYAN THOMAS was personally served on 9/30/08, but has yet to
17 appear.

18 7. The court's pretrial order, dated 8/25/08, does not set a deadline for amendments
19 to pleadings.

20 8. Here justice requires permitting this amendment so plaintiff may have all of her
21 claims tried together.

22 9. Further, justice so requires because there is no prejudice. The parties have
23 sufficient time to prepare for trial set for 9/29/09, discovery has only begun, the discovery cut-off
24 date is 6/15/09, and, no depositions have yet been taken.

STIPULATION

KAISER FOUNDATION HOSPITALS agrees through its attorneys of record to stipulate to the plaintiff's filing her proposed First Amended Complaint attached as **Exhibit A**.

DATED: November 25, 2008

THELEN LLP

By: /s/ Deborah Schwartz
DEBORAH SCHWARTZ
Attorney for Defendant
KAISER FOUNDATION
HOSPITALS

Respectfully submitted.

DATED: November 25, 2008

SCOTT LAW FIRM

By: /s/ Lizabeth N. de Vries
LIZABETH N. DE VRIES
Attorney for Plaintiff
FELICIA POWE-FLORES

~~PROPOSED~~ ORDER

BASED UPON THE FOREGOING STIPULATION, the Court grants plaintiff Felicia Powe-Flores leave to amend to file her proposed First Amended Complaint, attached as **Exhibit A**. This complaint is deemed filed on the date this order is filed.

IT IS SO ORDERED.

DATED: 11/26/08

HONORABLE THELTON
UNITED STATES DISTRICT

